

Hamilton County Board of Zoning Appeals - North District

April 20, 2004

Mr. Kirby called the official meeting of the Hamilton County Board of Zoning Appeals - North District to order at 8:00 p.m.

Members Present: Tim Clark, Frank Habig, Ron Hall, Kristin Johnson, and Gerald Kirby. Also present: Charles Kiphart, Director; Randy Leerkamp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Kirby declared a quorum with five out of five members present.

Guests: See guest sheet.

Communications/Reports: None to present.

Approval of Minutes: Mr. Kirby asked if everyone received the minutes for February 17th. Is there a motion to approve?

Mrs. Johnson **moved to approve** as written.

Mr. Habig seconded.

With no comments or corrections...Mr. Kirby called for the vote. **5 yes votes...0 no votes.**

New Business: Mr. Kirby continued the meeting with **NBZA-S.U.-0003-04-2004** a Special Use concerning allowing the use of land for recreational horse related activities, including horse and livestock shows, approximately six (6) rodeo events each year, and related facilities. Would the petitioner please step forward.

Terry O'Brien stated his name and address for the record. I own and operate the Buck-A-Roo Boot Company. I have a purchase agreement on 20 acres for property directly north of the store. My proposal is to use it as a horse show grounds where we would host primarily horse shows with some potential for other livestock shows and approximately six (6) rodeos a year. The use of the 20 acres to the north plays in to what the store does by allowing a facility to show their horses, and compete with their horses. In northern Hamilton County there is a huge per capita number of horses and people that choose that as their activity. I wanted to provide a facility for them to do that. The events are weekends primarily. Most of those occur during the months of May through September. It is very low impact. I am not proposing that any livestock be boarded at this facility. They come in, there will be stalls in the covered building, the horses would remain in the stalls until it was their time to show, after the weekend is over the place basically sits there until the next event. The way the manure is handled is we would have an open top construction dumpster, it's filled, and is then taken away after the event is over.

Mr. Habig asked for clarification. Mr. O'Brien you said... as far as the large building... you are not planning on boarding horses there year round? This is just for the planned events?

Mr. O'Brien answered... right. That building would have about 20 to 25 ft. side walls. We would have the flexibility of putting an indoor arena in there and stalls on the other portion of it. So there would be events going on inside when weather wouldn't allow it to happen outside. This is not a boarding facility.

Mr. Kirby asked what the livestock shows would include.

Mr. O'Brien stated that people show cattle, they show sheep, and I would hate to say no to someone who came to me to have a warm-up show to 4-H.

Mrs. Johnson asked Mr. O'Brien how many people he anticipated being at a show on the weekend.

Mr. O'Brien answered that he expected 20-30 horses and figured about twice that number for people.

With no further questions from the Board... Mr. Kirby identified **NBZA-RV-0004-04-2004** a requirement variance for the construction of a 40 ft. by 60 ft. addition to the existing building with a front yard set-back of 169 ft. with the ordinance requiring 185 ft. And **NBZA-RV-0005-04-2004** a requirement variance concerning the elimination of the required hard pavement, curbs, and landscaping from parking areas.

Mr. O'Brien stated his name for the record. The variance for the addition is because I need space to grow our tack business meaning our saddles and associated hardware for the horsemen. Currently we handle western tack but we want to add English tack. The proximity to the addition relates well to the show grounds. We propose an access drive from the existing parking lot into the 20 acres. The way the septic is laid out and the perimeter drain around the septic field that drains to the back, there really isn't another feasible location to add the square footage. The highway department requires the 122 ft. per side and there is an additional 60 ft. zoning set-back. So I am asking for a piece of the plan commission zoning set-back.

The variance for the hard-pavement and issues associated with the parking area. This is a weekend show grounds. The idea of paving a lot that size in the rural surroundings seems unsightly and it's overkill. We are not building Conseco Fieldhouse.

Mr. Clark asked how late the events would go on.

Mr. O'Brien stated that the horse shows are predominately daytime events. There is a potential that they could run into dusk but... typically the horse show would start at 8:00 a.m. and end some time late afternoon. The youth rodeos for grade school and high school will typically be during the day. Should we host an adult rodeo, those are typically at night. The hours would conform to the hours of a concert or a basketball game or whatever. 10:00, 11:00 p.m. or whatever is probably when it would end.

Mr. Hall asked if there would be professional events as well.

Mr. O'Brien stated that the only events that would be hosted that would be professional would be a professional rodeo. The Indiana Quarter Horse Association would come and use our facility to show their quarter horses. The Paint Horse Association might have their association show there. Those associations

would approve that show.

Mr. Habig asked if the addition was going to be a pole barn type structure. (2) Are we looking at the current set-backs or the proposed? (3) Have you penciled in a 50 by 50 so you wouldn't need a variance? (4) Is your entrance to the Buck-A-Roo Boot Company on somebody else's property? (5) On the paving and the curbs, do we have any jurisdiction over the existing parking lot or are we only talking about what he has proposed as the new parking lot?

Mr. O'Brien answered yes. (3) That would work. (4) Yea. It was an arrangement established between Ray Noble, who owner the farm ground, and the Hoosier Stock Yards. That is the only access to all that farm ground and Ray Noble didn't want to sell the access but he would sell the three acres. So he kept control of the access and had a long term lease agreement for the ingress and egress. I pay his granddaughter a couple hundred bucks every year to drive in and out of there.

(2) Mr. Kiphart answered proposed. (5) This is for the rodeo facility.

Mr. O'Brien stated that this would go up in phases.

Mr. Hall asked for the time frame to complete the projects according to the site plan.

Mr. O'Brien answered... next summer would be the outdoor arena and the following summer would be the indoor building.

Mr. Habig asked about the control for dust.

Mr. O'Brien stated that what facilities typically do is use a water truck with a spray boom to wet down the arena. The horsemen doesn't want the dust either. In between classes they would pull a tractor drawn water tank to wet it down.

Mr. Hall asked about the manure plan. You spoke earlier about having the manure collected and disposed of after each event. Can we take that as the manure disposal plan?

Mr. O'Brien answered... absolutely. There would be a 20 to 30 yard open top dumpster. Waste management would drop it off on Thursday or Friday and then it would be gone on Monday or Tuesday.

With nothing further from the board... Mr. Kirby opened the hearing to the public at 8:29 p.m.

Marsha Finkbiner, of 27465 Dunbar Road, stated her name and address for the record. Our property abuts this property on the west. Our house is kind of turned so that it faces U.S. 31 which faces the back of his existing building. It sounds like Mr. O'Brien wants a special use variance for seven days a week of activities. It sounds like he wants the facility available 24 hours a day whether for adults or kids for whatever show there is. I am concerned about the lights, the smell, the water, the noise, the trash, the traffic, and the hours of operation. 8:00 a.m. to 11:00 p.m. will not give us any quiet time. If this would be approved, the lights would have to be down shields so they would not be shining in our windows. Most of the events I

have ever been to there has been a PA system and that system does not limit itself to the parameters of the property; it just goes where it goes. I would hope it would have to at least face U.S. 31 so they wouldn't be coming directly at us. Manure is a problem and even though he will have an open pit... an open pit smells as long as it is open or un-emptied. In the heat of the summer that is going to limit what we can do with our property. There are pits that are maintained and have chemicals that can reduce the smell. Trash is inevitable. It is going to blow and come over our way. I'm sure he is not going to have someone come around and clean up whatever is blown over on our portion. On 276th Street when it rains it actually rains hard enough that they close the road because cars can't get through. I wouldn't want to add to the water problem or more drainage because there is enough of a problem now. I noticed that most places built now have a drainage pond with a sprinkler to keep it from stagnating. Eventually there will be an access road that adjoins the two properties. There is a drive that goes into his property which goes the entire length of the east side of our property. I would like to think that if this is approved any clean up or damage that is caused would be taken care of. For the requirement for lack of hard pavement, there is a lot of dust and just because they take the water and run around the arena doesn't have anything to do with the rest of the area that creates heavy dust. The lack of curbs just lets people go any place any time. It doesn't direct them to a certain place. If you don't say you can park in this area or that area, they can park anywhere. We would ask that there would be some landscaping berms so that some of the noise would be diminished and some of the problems we foresee would be taken care of. That there would be a fence that would contain anything that would blow over our way and help buffer sounds. The buffer to be 250 ft. into his property to diminish the lack of quiet and peaceful use of our property. There should be some landscaping of pine trees and shrubs. I have been to horse shows and people tend to live out of their trailers. So it is much like camping which Hamilton County doesn't allow anyway. If the tack business is not seven days a week but he is going to have this extra facility for tack, I wonder what the hours of that would be. Our summer too is the same months he wants to have all these activities so it really leaves us no free quiet time. Depending on how many events he has it could be all summer long and then even in the winter he said they would have off season events. I can't imagine what 25 ft. walls would be from a distance. I know Hamilton County is a growing community and I respect that. I would hate to think that I plunked my whole life savings into a house that I won't get to enjoy without smells and rodeos and constant sounds. I would appreciate it if you would take into consideration my objections. Thank you.

Board discussion with Mrs. Finkbinder followed regarding distances between her home and the proposed arena and parking area.

With no one else stepping forward to address the board... Mr. Kirby closed the public portion of the hearing at 8:45 p.m.

Mr. Hall **moved to approve** the special use **with the conditions** that all outside lighting be down-shielded; outside PA systems be constructed in such a manner so that the sound is directed towards U.S. 31; that the removal of trash and manure occurs during the daytime hours, and that the manure management plan that was orally presented here would incorporate into that that there would be removal after each event.

Mrs. Johnson seconded.

Mr. Hall stated that this is a project that I think is very compatible with what we want to do in northern

Hamilton County. As the area tends to develop there is [a merging] emerging [of] a likely pattern of being able to retain rural character along with development of horse facilities. I think we can approve land uses that are commercial in nature that support that. I think with the conditions we can mitigate some of the characteristics that the existing neighbors don't particular care for.

Mr. Clark stated that he had been to Mr. O'Brien's store before and it's well maintained. I think he would probably work with the neighbors to keep them happy and take care of their concerns. As far as the water the Drainage Board takes care of that. Mr. O'Brien, did you have some type of fence in mind? (2) Do you have employees clean up the area?

Mr. O'Brien stated that the style of fence he had begun to use around the boot company is the pvc four rail type horse fencing. It is open between the rails. We have a commercial dumpster on site right now at the boot company. We would probably have something similar to that over at the show grounds. It has a lid on it and it's weighted. (2) Right. We do that currently.

Mr. Kiphart advised the board that the plan commission did consider this and sends a positive recommendation to the BZA concerning the special use. The vote was 8 yes and 0 no.

With nothing further... Mr. Kirby called for the vote. **5 yes votes... 0 no votes.**

Mr. Kirby identified **NBZA-RV-0004-04-2004** for the construction of a 40 ft. by 60 ft. addition to the existing building. Do we have a motion?

Mr. Habig **moved to approve** the variance as requested.

Mr. Clark seconded.

Mr. Habig stated he felt that Mr. O'Brien could put in the size building that met the set-back requirement.

Mr. Clark stated that they did need to protect the set-backs.

Mrs. Johnson and Mr. Kirby agreed. Especially with this being off of U.S. 31.

With nothing further from the board... Mr. Kirby called for the vote. **1 yes vote... [0 no vote] 4 no votes.** Mr. Hall voting yes.

Mr. Kirby identified **NBZA-RV-0005-04-2004** concerning the elimination of the required hard pavements, curbs, and landscaping for the parking areas.

Mr. Hall **moved to approve** as presented.

Mr. Kirby seconded.

Mr. Hall stated that one of the reasons we have the hard pavement requirement in there is because of dust from repeated traffic and so-forth. We are looking at a facility that will be used on weekends only. They

are not near the use or the constant use that the other situations would have. Also a gravel surface is very compatible with the rural area. With a hard surface you might compound any run-off problem that you have.

Mr. Kirby stated that there were chemicals that could be added to the water that will control the dust for maybe a month at a time. The county used it on gravel roads back when we had gravel roads.

Mr. Clark stated he felt that this was quite a distance from the neighbors' house and there was only one present that was protesting. As far as wind blowing their direction... the dust would bother Mr. O'Brien and his store before it would bother them.

Mr. Kirby stated that as far as landscaping around the building... I think if he thought he needed something to dress up the building he would put something there.

Mr. Kiphart stated that he would need to meet the requirements for everything except the interior landscaping and screening of the parking lot itself.

With nothing further from the board... Mr. Kirby called for the vote. **5 yes votes... 0 no votes.**

Old Business: None to present.

Director's Report: Mr. Kiphart advised the board that he would be at the American Planning Association from Friday through next Thursday in Washington, D. C.

Legal Counsel Report: Nothing to report.

The next meeting will be Tuesday, May 18, 2004.

With nothing further to come before the Board...Mr. Habig **moved to adjourn.**

Mrs. Johnson seconded.

With no further discussion...Mr. Kirby called for the vote. **5 yes votes...0 no votes.** Meeting adjourned at 9:01 p.m.

Gerald Kirby, Chairman

Date

Linda Burdett, Secretary

Date